

House Study Bill 699

Conference Committee Text

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1 1 Section 1. NEW SECTION. 225D.1 LEGISLATIVE INTENT.
1 2 The intent of this chapter is to provide quality treatment
1 3 and rehabilitation services to persons experiencing
1 4 difficulties as a result of problem gambling, to ensure that
1 5 the services are adequately administered by competent persons,
1 6 and to encourage and coordinate education and other preventive
1 7 efforts concerning problem gambling.
1 8 Sec. 2. NEW SECTION. 225D.2 DEFINITIONS.
1 9 As used in this chapter, unless the context otherwise
1 10 requires:
1 11 1. "Committee" means the gambling treatment advisory
1 12 committee established in section 225D.4.
1 13 2. "Department" means the department of human services.
1 14 3. "Director" means the director of human services.
1 15 4. "Participant" means a person receiving services
1 16 provided through the gambling treatment program established in
1 17 section 225D.3.
1 18 5. "Program" means the gambling treatment program
1 19 established in section 225D.3.
1 20 Sec. 3. NEW SECTION. 225D.3 GAMBLING TREATMENT PROGRAM
1 21 ESTABLISHED.
1 22 1. A gambling treatment program is established within the
1 23 department of human services. The department shall develop,
1 24 implement, and administer the program, with the assistance of
1 25 the gambling treatment advisory committee.
1 26 2. The program shall include the development and
1 27 implementation of a comprehensive treatment program for
1 28 problem gamblers and persons affected by gambling. The
1 29 program may include, but is not limited to, the following:
1 30 a. Outpatient and follow-up treatment.
1 31 b. Rehabilitation programs.
1 32 c. Residential treatment.
1 33 d. Inpatient treatment.
1 34 e. Information and referral services.
1 35 f. Education and preventive services.
2 1 3. The director may enter into written agreements with
2 2 public or private agencies to pay for services for problem
2 3 gamblers and other persons affected by problem gambling. The
2 4 director shall adopt rules, pursuant to chapter 17A,
2 5 specifying the criteria for payment to the facilities. The
2 6 problem gambler or other affected person receiving services is
2 7 responsible for payment for the costs of the services, either
2 8 through direct payment to the facility or reimbursement to the
2 9 department. If the person receiving services has a claim for
2 10 reimbursement for services, through insurance or otherwise,
2 11 the person shall assign the claim to the department.
2 12 4. The director shall develop and encourage the
2 13 development of plans and programs for the prevention of
2 14 gambling problems and the treatment of persons affected by
2 15 problem gambling on a statewide basis and in cooperation with
2 16 public and private agencies by providing technical assistance
2 17 and other services. In cooperation with local gambling
2 18 treatment programs, the director shall organize and implement
2 19 programs for persons offering gambling treatment services. In
2 20 addition, the director shall prepare, publish, and disseminate
2 21 educational material concerning problem gambling and its

2 22 effects, develop and implement an educational program as an
2 23 integral part of treatment programs for problem gamblers and
2 24 other persons affected by problem gambling, and assist in the
2 25 development of gambling educational and treatment programs for
2 26 employees in both the public and private sectors. The
2 27 department may contract for any of the services required in
2 28 this subsection.

2 29 5. The director may conduct or contract for research into
2 30 the causes and nature of gambling problems and serve as a
2 31 clearinghouse for information relating to problem gambling
2 32 treatment.

2 33 Sec. 4. NEW SECTION. 225D.4 GAMBLING TREATMENT ADVISORY
2 34 COMMITTEE ESTABLISHED.

2 35 1. A gambling treatment advisory committee is established
3 1 to advise the department on the administration of the program.
3 2 The committee shall consist of eleven members appointed by the
3 3 director for terms of office of three years. A member shall
3 4 not be appointed to more than two consecutive three-year
3 5 terms. Terms of office shall be staggered, and shall commence
3 6 on July 1 of the year of appointment. The membership of the
3 7 advisory committee shall be gender-balanced as provided in
3 8 section 69.16A.

3 9 2. For a vacancy occurring after the appointment of the
3 10 initial membership, the committee shall submit a list of at
3 11 least two names to the director for consideration in filling
3 12 the vacancy on the committee. The director shall fill the
3 13 vacancy from the list of names for a term of three years or
3 14 for the remainder of the unexpired term.

3 15 3. The committee and the director shall ensure that the
3 16 committee consists of members from both urban and rural areas
3 17 and represents a broad cross section of the state, selected
3 18 from the following groups: recovering gamblers, the judicial
3 19 department, the legal community, law enforcement officials,
3 20 the religious community, employees of the lottery division of
3 21 the department of revenue and finance, employees of the state
3 22 racing and gaming commission, education professionals, parole
3 23 and probation officers, and representatives from employee
3 24 assistance programs, business and industry, human service
3 25 providers, gambling treatment providers, and other interested
3 26 citizens.

3 27 4. Annually, the director shall appoint one member of the
3 28 committee to serve as chairperson of the committee. The com-
3 29 mittee shall meet as frequently as the chairperson deems
3 30 necessary, but not less than annually. Special meetings may
3 31 be called by the department, the chairperson, or upon written
3 32 request by three or more of the members of the committee.

3 33 5. Committee members who are applicants for or recipients
3 34 of funds provided under this program are disqualified from
3 35 voting on decisions relating to the disbursement of those
4 1 funds for services in which the member has an interest.

4 2 6. Members of the committee shall be allowed their rea-
4 3 sonable and necessary expenses incurred in the performance of
4 4 their duties paid from funds appropriated for the program.
4 5 Members of the committee may also be eligible to receive
4 6 compensation as provided in section 7E.6.

4 7 Sec. 5. NEW SECTION. 225D.5 POWERS AND DUTIES OF THE
4 8 DIRECTOR.

4 9 The director shall:

4 10 1. Appoint members of the committee pursuant to section
4 11 225D.4.

4 12 2. Be responsible for the administration of the gamblers
4 13 assistance fund and the gambling treatment program.

4 14 3. Employ personnel under chapter 19A for administration
4 15 of the gamblers assistance fund and the gambling treatment
4 16 program and to assist the gambling treatment advisory
4 17 committee.

4 18 4. Publish annually a list of facilities providing

4 19 services to gamblers and persons affected by problem gambling.
4 20 5. Take all necessary and proper actions to carry out this
4 21 chapter.
4 22 6. Adopt the necessary rules required to administer this
4 23 chapter pursuant to chapter 17A.
4 24 Sec. 6. NEW SECTION. 225D.6 POWERS AND DUTIES OF THE
4 25 GAMBLING TREATMENT ADVISORY COMMITTEE.
4 26 The committee shall:
4 27 1. Consult with and make recommendations to the department
4 28 concerning the adoption of rules relating to the treatment of
4 29 problem gamblers and carrying out the purposes of this
4 30 chapter.
4 31 2. Recommend services to be offered to treat problem
4 32 gamblers and persons affected by the actions of problem
4 33 gamblers.
4 34 3. Advise the department on budgeting, planning, and pri-
4 35 orities for effective treatment of gamblers.
5 1 4. Make recommendations to the director concerning
5 2 contract proposals.
5 3 5. Make recommendations to the director concerning
5 4 committee vacancies as provided in section 225D.4.
5 5 6. Take all necessary and proper actions to carry out the
5 6 purposes of this chapter.
5 7 Sec. 7. NEW SECTION. 225D.7 AUDITS.
5 8 A contractor providing services pursuant to this chapter
5 9 shall be audited on an annual basis in accordance with the
5 10 procedures established in section 11.36.
5 11 Sec. 8. NEW SECTION. 225D.8 CONFIDENTIALITY OF RECORDS.
5 12 1. Records pertaining to participants in the gambling
5 13 treatment program are confidential pursuant to section 22.7.
5 14 The records shall not be inspected and their contents shall
5 15 not be disclosed except as otherwise provided in this section.
5 16 2. The director may examine participants' records in order
5 17 to review or evaluate the program.
5 18 3. The director may provide information from participants'
5 19 records to a person conducting bona fide research for research
5 20 purposes under conditions the director deems appropriate, and
5 21 may disclose or use information regarding the cost, purpose,
5 22 number of persons served or assisted, results, and other
5 23 general and statistical information if personal identifying
5 24 data is not disclosed.
5 25 4. A participant's records may be disclosed to medical
5 26 personnel in a medical emergency involving the patient.
5 27 5. Upon written application to and approval of the
5 28 director, a participant's records shall be disclosed for
5 29 public duties, audits, and other purposes directly related to
5 30 the administration of the department.
5 31 6. A participant's records shall be disclosed to the
5 32 participant upon the participant's written request.
5 33 7. A person shall not solicit, disclose, receive, use,
5 34 authorize, or knowingly permit, participate in, or acquiesce
5 35 in the use of confidential information under this section for
6 1 commercial or political purposes.
6 2 Sec. 9. Section 22.7, Code Supplement 1995, is amended by
6 3 adding the following new subsection:
6 4 NEW SUBSECTION. 33. Records of the department of human
6 5 services pertaining to participants in the gambling treatment
6 6 program except as otherwise provided in section 225D.8 or this
6 7 chapter.
6 8 Sec. 10. Section 99D.7, subsection 21, Code Supplement
6 9 1995, is amended to read as follows:
6 10 21. To cooperate with the

~~gamblers assistance~~

~~gambling~~

6 11 treatment program administered by the department of human
6 12 services to incorporate information regarding the

~~gamblers~~

6 13

~~assistance~~

- gambling treatment program and its toll-free

6 14 telephone number in printed materials distributed by the
6 15 commission. The commission may require licensees to have the
6 16 information available in a conspicuous place as a condition of
6 17 licensure.

6 18 Sec. 11. Section 99E.9, subsection 8, Code Supplement
6 19 1995, is amended to read as follows:

6 20 8. The Iowa lottery board shall cooperate with the
6 21

~~gamblers assistance~~

- gambling treatment program administered by

6 22 the department of human services to incorporate information
6 23 regarding the

~~gamblers assistance~~

- gambling treatment program

6 24 and its toll-free telephone number in printed materials
6 25 distributed by the board.

6 26 EXPLANATION

6 27 This bill provides for the establishment of a gambling
6 28 treatment program by the department of human services from
6 29 funds received under section 99E.10 from the gambler's
6 30 assistance fund. The bill creates a gambling treatment
6 31 advisory committee of 11 members appointed by the director of
6 32 human services. The committee is to be composed of a broad
6 33 cross section of professionals and other interested persons
6 34 involved in providing, enforcing, adjudicating,
6 35 rehabilitating, or administering gambling games, laws,
7 1 gamblers, or persons affected by gambling. The bill also
7 2 specifies the powers and duties of the director and the
7 3 committee and outlines the basic features of the gambling
7 4 treatment program to be provided by the department.

7 5 The bill also provides for the confidentiality of records
7 6 relating to participants in the gambling treatment program.
7 7 Violators are guilty of a simple misdemeanor pursuant to
7 8 section 22.6.

7 9 BACKGROUND STATEMENT

7 10 SUBMITTED BY THE AGENCY

7 11 When the lottery legislation passed, it established a
7 12 gamblers assistance fund. The director of human services is
7 13 to administer the fund and provide programs for persons
7 14 affected by gambling, education programs, and preventive
7 15 services. The department manages the gambling treatment
7 16 program to carry out the intent of the two sentences in the
7 17 legislation. The term "gamblers assistance program" confuses
7 18 some people into thinking the program helps educate people on
7 19 how to gamble. The name change to "gambling treatment
7 20 program" serves to clarify the purpose of treatment for those
7 21 experiencing difficulty as a result of problem gambling.

7 22 In addition, an advisory committee was established by the
7 23 department to offer advice and give direction in the
7 24 development and operation of a gambling treatment program.
7 25 Some members of the committee have been more active than
7 26 others. Over the years, attendance has dwindled. Many times
7 27 when the committee had been making decisions or
7 28 recommendations on rules or other proposals, only the active
7 29 members were in attendance to give their opinion. There is
7 30 now no active advisory committee.

7 31 The department recommends the amendment of the Iowa Code by
7 32 adding language specifying the establishment of a gambling

7 33 treatment program and to include the gambling treatment
7 34 advisory committee.
7 35 LSB 3295DP 76
8 1 tj/jw/5.1